

LOUISIANA FEED COMMISSION HEARING
November 5, 2009
10:00am
VETERAN'S MEMORIAL AUDITORIUM
5825 Florida Boulevard
Baton Rouge, LA 70806
Proceedings

CALL TO ORDER

The hearing was called to order by Fred Bass. Mr. Bass thanked the commission for coming.

ROLL CALL

The roll was called by Cheryl McGee

MEMBERS PRESENT

Fred Bass representing Commissioner Mike Strain
Dr. David Morrison representing Dr. David Boethel
Dr. Charles Hutchison representing Dr. Paul Coriel
Ron Harrell representing Ronald Anderson
T. B. Porter
Eugene Robertson
Danny Cole
David Williams
Jeff Smith

MEMBERS ABSENT

Warren Harang
Ray Guidry

OTHER ATTENDEES

Marvin Montgomery
Lindsey Hunter
Dr. Mark LeBlanc
Todd Parker
Cheryl McGee
Lauren Boydston

DECLARATION OF QUORUM

Fred Bass declared a quorum.

APPROVAL OF MINUTES

Mr. Bass asked the commission if they had received last year's minutes and if they had any questions. There being no questions, a motion was made and seconded to approve of the minutes and it passed unanimously.

SET NEXT DATE FOR HEARING

Next hearing is set for November 4, 2010

OLD BUSINESS

None at this time

HEARING OF CASES

Mr. Bass turned hearing over to Ms. Lindsey Hunter, Hearing Officer from the Attorney General's Office. Ms. Hunter asked Marvin Montgomery to call the cases as he sees fit.

Feed Companies with 4 violations with prior appearances

Case 09-11-01 Consolidated Blenders

Four violations of failing to timely submit tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation and a letter from Consolidated Blenders were submitted and accepted into evidence. Mr. Smith moved that they be found guilty and Mr. Porter seconded the motion. Motion passed unanimously. Dr. Morrison moved that Consolidated Blenders be fined \$200.00 per quarter for the total fine of \$800.00. Mr. Porter seconded the motion. Motion passed unanimously.

Feed Companies with 4 violations with no prior appearances

Case 09-11-02 Flukers' Farm Incorporated

Four violations of failing to timely submit tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation were submitted and accepted into evidence. Mr. Smith moved that they be found guilty and Mr. Porter seconded the motion. Motion passed unanimously. Mr. Smith moved that Flukers' Farm Inc. be fined \$100.00 per quarter for a total fine of \$400.00. Mr. Robertson seconded the motion. Motion passed unanimously.

Dismissed Case / Pet Food Companies with 3 violations with prior appearances

Case 09-11-03 Chomp Inc.

Three violations of failing to timely submit pet food tonnage reports

A letter from the lawyer of Sergeant's Pet Care stated that Sergeant's entered into an asset purchase agreement with Chomp, Inc. on or about February 2, 2009. Chomp Inc. was not obligated to submit all four tonnage reports for the fiscal year. Dr. LeBlanc asked that this case be dismissed. Mr. Robertson moved this case be dismissed and Dr. Morrison seconded that motion. Motion passed unanimously.

Pet Food Companies with 3 violations with prior appearances

Case 09-11-04 Cosmic Pet Products

Three violations of failing to timely submit pet food tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation were submitted and accepted into evidence. Mr. Porter moved that they be found guilty and Dr. Morrison seconded the motion. Motion passed unanimously. Dr. Morrison moved that Cosmic Pet Products be fined \$500.00 per quarter for a total fine of \$1,500.00. Mr. Porter seconded the motion. Motion passed unanimously.

Case 09-11-05 Dogswell

Three violations of failing to timely submit pet food tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation were submitted and accepted into evidence. Mr. Porter moved that they be found guilty and Dr. Morrison seconded the motion. Motion passed unanimously. Dr. Morrison moved that Dogswell be fined \$500.00 per quarter for a total fine of \$1,500.00. Mr. Porter seconded that motion. Motion passed unanimously.

Case 09-11-07 JPI/ JAKKS Pacific Inc.

Three violations of failing to timely submit pet food tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation and a letter from JPI/Jakks Pacific were submitted and accepted into evidence. Mr. Porter moved that they be found guilty and Dr. Morrison seconded the motion. Motion passed unanimously. Mr. Smith moved that JPI/Jakks Pacific be fined \$200.00 per quarter for a total fine of \$600.00. Mr. Porter seconded the motion. Motion passed unanimously.

Pet Food Companies with 3 violations with no prior appearances

Case 09-11-06 The Hartz Mountain Corp

Three violations of failing to timely submit pet food tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation were submitted and accepted into evidence. Mr. Porter moved that they be found guilty and Dr. Morrison seconded the motion. Motion passed unanimously. Dr. Morrison moved that The Hartz Mountain Corp. be fined \$100.00 per quarter for a total fine of \$300.00. Mr. Porter seconded the motion. Motion passed unanimously.

Case 09-11-08 Nylabone Products

Three violations of failing to timely submit pet food tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation and a letter from Nylabone Products were submitted and accepted into evidence. Mr. Porter moved that they be found guilty and Dr. Morrison seconded that motion. Motion passed unanimously. Dr. Morrison moved that Nylabone Products be fined \$100.00 per quarter for a total of \$300.00. Mr. Porter seconded the motion. Motion passed unanimously.

Case 09-11-09 Walmart / Hampshire Pet

Three violations of failing to timely submit pet food tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation were submitted and accepted into evidence. Mr. Porter moved that they be found guilty and Dr. Morrison seconded the motion. Motion passed unanimously. Dr. Morrison moved that Walmart / Hampshire Pet be fined \$100.00 per quarter for a total of \$300.00. Mr. Porter seconded the motion. Motion passed unanimously.

Case 09-11-10 Whole Foods / Hampshire Pet

Three violations of failing to timely submit pet food tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation were submitted and accepted into evidence. Mr. Porter moved that they be found guilty and Dr. Morrison seconded the motion. Motion passed unanimously. Dr. Morrison moved that Whole Foods / Hampshire Pet be fined \$100.00 per quarter for a total of \$300.00. Mr. Porter seconded the motion. Motion passed unanimously.

Dismissed Case / Pet Food Companies with 4 violations with no prior appearances

Case 09-11-14 Planet Pet Inc.

Four violations of failing to timely submit pet food tonnage reports

A letter and notice of bankruptcy stating that Planet Pet Inc. is out of business were submitted and accepted into evidence. Dr. LeBlanc asked that this case be dismissed. Mr. Robertson moved this case be dismissed and Mr. Cole seconded that motion. Motion passed unanimously.

Pet Food Companies with 4 violations with no prior appearances

Case 09-11-11 Cel Pak Inc.

Four violations of failing to timely submit pet food tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation were submitted and accepted into evidence. Mr. Porter moved that they be found guilty and Dr. Hutchinson seconded the motion. Motion passed unanimously. Dr. Morrison moved that Cel Pak Inc. be fined \$100.00 per quarter for a total of \$400.00. Mr. Porter seconded the motion. Motion passed unanimously.

Case 09-11-12 Mark and Chappell (USA)

Four violations of failing to timely submit pet food tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation were submitted and accepted into evidence. Mr. Porter moved that they be found guilty and Dr. Hutchinson seconded the motion. Motion passed unanimously. Dr. Morrison moved that Mark and Chappell (USA) be fined \$100.00 per quarter for a total of \$400.00. Mr. Porter seconded the motion. Motion passed unanimously.

Case 09-11-13 Penn Plax

Four violations of failing to timely submit pet food tonnage reports

A copy of the charge letter with proof of service as well as a signed stipulation were submitted and accepted into evidence. Mr. Porter moved that they be found guilty and Dr. Hutchinson seconded the motion. Motion passed unanimously. Dr. Morrison moved that Penn Plax be fined \$100.00 per quarter for a total of \$400.00. Mr. Porter seconded the motion. Motion passed unanimously.

Ms. Hunter turned the hearing over to Mr. Bass

New Business

Dr. LeBlanc asked that the Commission approve his plans to restructure the types of analysis conducted on regulatory feed samples. He proposed that in light of the restrictions on budget and personnel, the lab shift analytical resources from crude fiber analysis to other analyses that were more valuable to the industry. The commission, by unanimous vote, asked the director to proceed with his plan to re-allocate analytical resources to the analyses that were most valuable to the industry. They asked that when a specific plan was developed that it be forwarded to the commission members.

Public Comments

None

Motion to Adjourn

Motion to Adjourn was given. Mr. Robertson moved to adjourn and Dr. Morrison seconded. Motion passed unanimously.